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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,002	09/23/2005	Mugihei Ikemizu	2936-0249PUS1	1240
2292 7590 08/10/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
CORMIER, DAVID G				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
08/10/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/550,002

**Applicant(s)**

IKEMIZU ET AL.

**Examiner**

DAVID CORMIER

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7,8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 06192009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 23, 2009 has been entered.

### ***Response to Arguments/Amendments***

2. The rejection of Claim 1 under 35 U.S.C., second paragraph, made of record in the Office action mailed March 23, 2009, has been withdrawn in response to Applicant's amendments filed July 23, 2009.
3. The rejections of Claims 1, 3-5, 7, 8 and 10 as being unpatentable under 35 U.S.C. 103(a) over combinations of Hird (WO 01/071084), Ando et al. (JP 2001-275484) and Jeon et al. (US 6,286,344), made of record in the Office action mailed March 23, 2009, have been withdrawn in response to Applicant's amendments filed July 23, 2009.
4. Applicant has amended claim 1 to include additional structure to better distinguish the claimed invention from the art of record. Applicant has also argued that Hird in combination with Ando fail to disclose or suggest the control unit now recited in

claim 1. Applicant's arguments have been fully considered and are unpersuasive. The newly claimed structure includes a water supply unit, an agitating unit and a control unit that controls the water supply unit, agitating unit, and the ion eluting unit in a specific way. Hird teaches a water supply unit (21), an agitating unit (broadly and reasonably construed, this reads on the shaft for rotating the drum, 80, or the baffles, 65) and a control unit (100). The only structure that Hird does not disclose is the ion eluting portion, which is disclosed by Ando, and is obvious to have for its antibacterial effect. It is well-known to control all aspects of washing machines with a controller, so it would have also been obvious to control the water supply unit, agitating unit and ion elution portion with the controller. The specific steps which may be performed by the control unit are still regarded as intended use of the apparatus.

#### ***Information Disclosure Statement***

5. The information disclosure statements filed on January 29, 2009 and June 19, 2009 are identical. All of the references except JP3-97497 and JP57-96686 were considered on the information disclosure statement of January 29, 2009. In the Advisory Action, the Examiner did not mean to imply those references in the information disclosure statement of June 19, 2009, which were previously considered, are no longer being considered. Those references, which were not considered for lacking an English abstract, have been considered in response to Applicant's submission of the English abstracts. The references which were previously considered are being crossed out to avoid duplicate citations.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1, 3, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hird (WO 01/071084) in view of Ando et al. (JP 2001-276484).
8. Claim 1 is to a washing machine comprising: a laundry tub, a water supply unit, an agitating unit, an ion eluting portion, a sensing portion and a control unit.
9. Regarding Claim 1, Hird discloses a washing machine with a laundry drum (Figure 1, part 50; page 3, lines 29-30), a water supply unit (21), an agitating unit (broadly and reasonably construed, this reads on the shaft for rotating the drum, 80, or the baffles, 65), a sensing portion ("a sensor which monitors the value of the mains supply voltage and a tachometer T which monitors the speed of motor M") for detecting imbalances in the textiles (Figure 2, part T; page 6, lines 8-10), and a control unit ("controller" and "control software") for controlling an imbalance correction operation (Figure 2, parts 100 and 105; page 6, lines 1-2 and 23-27).
10. Hird does not explicitly disclose an ion eluting portion.
11. Ando discloses a washing machine with an ion eluting portion, namely silver electrodes for electrolytically adding silver ions to water for its antibacterial effect (machine translation, abstract; paragraphs 1-6).
12. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Hird, as taught by Ando, and to add the capability of

eluting metal ions to the washer of Hird. One would have been motivated to do so in order to receive the expected benefit of having the antibacterial effect. It would also have been obvious to control the water supply unit, agitating unit and ion elution portion with the controller because it is well-known to control all aspects of washing machines with a controller for the predictable result of better control of the washing process.

13. In Claim 1, the phrases "in which laundry is put," "that supplies water to the laundry tub," "that agitates the laundry in the laundry tub," "for eluting metal ions...to water," "for sensing imbalance...the laundry tub," when no metal ion was supplied...perform a first balance correction rinsing" and "when metal ion was supplied...a second balance correction" are considered to be intended use of the apparatus and are not being given patentable weight. Additionally, Claims 3, 4 and 10, which depend from Claim 1, are also regarded as intended use. The claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The washer of Hird in view of Ando is capable of performing balance correction rinsing, of supplying different quantities of water or ions, and of agitating the laundry load.

14. Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hird (WO 01/071084), in view of Ando et al (JP 2001-276484), and further in view of Jeon et al. (US 6,286,344).

15. Claims 5, 7, and 8 require a drum (Hird Figure 1, part 50) disposed so that a rotation axis thereof is slanted with respect to the vertical direction. Hird in view of Ando is relied upon as applied to Claims 1, 3, and 4, respectively. Hird in view of Ando does

not expressly disclose tilting the washing drum so that a rotation axis is slanted with respect to a vertical direction.

16. Jeon discloses a washing machine having a "washing tub" (60) slanted with respect to a vertical direction (Figure 2). The tilted washing tub of Jeon makes adding and removing laundry to tub more convenient to a user (column 2, lines 61-67).

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hird, in view of Ando, as taught by Jeon, and to have the drum disposed so that a rotation axis is slanted with respect to a vertical direction. One would have been motivated to do so in order to gain the expected benefit of easy access to the tub for the user.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CORMIER whose telephone number is (571) 270-7386. The examiner can normally be reached on Monday - Thursday 8:30 - 6:00.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art  
Unit 1792

/DGC/  
David Cormier  
08/04/2009